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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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GOOGLE LLC,  
Plaintiff,  
vs.  
SONOS, INC.,  
Defendant.

CASE NO. 3:20-cv-06754-WHA  
Related to CASE NO. 3:21-cv-07559-WHA  
**GOOGLE LLC'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
PORTIONS OF ITS PATENT  
SHOWDOWN OPPOSITION TO  
SONOS'S MOTION TO STRIKE  
PORTIONS OF GOOGLE'S SUMMARY  
JUDGMENT MOTION**

1 **I. INTRODUCTION**

2 Pursuant to Civil Local Rules 7-11 and 79-5, Plaintiff Google LLC (“Google”) hereby  
 3 requests to file under seal portions of its Patent Showdown Opposition to Sonos’s Motion to Strike  
 4 Portions of Google’s Motion for Summary Judgment (“Opposition”). Specifically, Google requests  
 5 an order granting leave to file under seal the portions of the documents listed below:

6 <b>Document</b>	7 <b>Portions to Be Filed Under Seal</b>	8 <b>Designating Party</b>
9 Google’s Opposition	10 Portions highlighted 11 in green	12 Google
13 Exhibit 2	14 Portions highlighted 15 in green	16 Google
17 Exhibit 6	18 Portions highlighted 19 in green	20 Google
21 Exhibit 9	22 Portions highlighted 23 in green	24 Google
25 Affidavit of N. Hefazi	26 Portions highlighted 27 in green	28 Google

14 **II. LEGAL STANDARD**

15 Civil Local Rule 79-5(c) provides that a party seeking to file its own documents under seal  
 16 must file an administrative motion that articulates the applicable legal standard and reasons for  
 17 keeping a document under seal, includes evidentiary support from a declaration where necessary,  
 18 and provides a proposed order that is narrowly tailored to seal only the sealable material.

19 “Historically, courts have recognized a ‘general right to inspect and copy public records and  
 20 documents, including judicial records and documents.’” *Kamakana v. City & Cty. of Honolulu*, 447  
 21 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 &  
 22 n.7 (1978)). Accordingly, when considering a sealing request, “a ‘strong presumption in favor of  
 23 access’ is the starting point.” *Id.* (quoting *Foltz v. State Farm Mutual Auto. Insurance Company*,  
 24 331 F.3d 1122, 1135 (9th Cir. 2003)).

25 The Ninth Circuit has recognized that two different standards may apply to a request to seal  
 26 a document – namely the “compelling reasons” standard or the “good cause” standard. *Blessing v.  
 27 Plex Sys., Inc.*, No. 21-CV-05951-PJH, 2021 WL 6064006, at \*12 (N.D. Cal. Dec. 22, 2021) (citing  
 28 *Ctr. For Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096-97 (9th Cir. 2016)). The  
 Case No. 3:20-cv-06754-WHA

1 compelling reasons standard applies to any sealing request made in connection with a motion that  
 2 is “more than tangentially related to the merits of a case.” *Id.* Accordingly, courts in this district  
 3 apply a “compelling reasons” standard to a sealing request made in connection with a motion for  
 4 summary judgment. *See, e.g., Edwards Lifesciences Corp. v. Meril Life Scis. Pvt. Ltd.*, No. 19-CV-  
 5 06593-HSG, 2021 WL 5233129, at \*4 (N.D. Cal. Nov. 10, 2021); *Baird v. BlackRock Institutional*  
 6 *Tr. Co., N.A.*, No. 17-CV-01892-HSG, 2021 WL 105619, at \*5 (N.D. Cal. Jan. 12, 2021).

### 7 **III. THE COURT SHOULD SEAL GOOGLE’S CONFIDENTIAL INFORMATION**

8 Material that is confidential and could harm a litigant’s competitive standing if disclosed  
 9 may be sealed under the compelling reasons standard. *Icon-IP Pty Ltd. v. Specialized Bicycle*  
 10 *Components, Inc.*, No. 12-cv-03844-JST2015 WL 984121, at \*2 (N.D. Cal. Mar. 4, 2015)  
 11 (information “is appropriately sealable under the ‘compelling reasons’ standard where that  
 12 information could be used to the company’s competitive disadvantage”); *In re Qualcomm Litig.*,  
 13 No. 3:17-CV-0108-GPC-MDD, 2017 WL 5176922, at \*2 (S.D. Cal. Nov. 8, 2017) (concluding that  
 14 “compelling reasons exist to seal . . . information subject to confidentiality and non-disclosure  
 15 provisions” because “[s]uch insight could harm the parties in future negotiations with existing  
 16 customers, third-parties, and other entities with whom they do business”);

17 Google’s Opposition, Exhibits 2, 6, 9 and the Affidavit of N. Hefazi contain confidential  
 18 information regarding highly sensitive features of Google’s products. Specifically, these documents  
 19 detail the operation and system design of Google products and functionalities that Sonos accuses of  
 20 infringement. Public disclosure of these documents would harm the competitive standing Google  
 21 has earned through years of innovation and careful deliberation by revealing sensitive aspects of  
 22 Google’s proprietary systems, strategies, designs, and practices to Google’s competitors. Hefazi  
 23 Decl. ¶ 4. A less restrictive alternative than sealing these exhibits would not be sufficient because  
 24 the information sought to be sealed is Google’s proprietary and confidential business information  
 25 but is integral to Google’s Opposition. *Id.* Thus, Google has compelling reasons to keep such  
 26 information under seal. *See Delphix Corp. v. Actifio, Inc.*, No. 13-cv-04613-BLF, 2014 WL  
 27 4145520, at \*2 (N.D. Cal. Aug. 20, 2014) (finding compelling reasons to seal where court filings  
 28 contained “highly sensitive information regarding [an entity’s confidential] product architecture and

1 development"); *Guzik Tech. Enterprises, Inc. v. W. Digital Corp.*, No. 5:11-CV-03786-PSG, 2013  
2 WL 6199629, at \*4 (N.D. Cal. Nov. 27, 2013) (sealing exhibit containing "significant references to  
3 and discussion regarding the technical features" of a litigant's products).

4 **IV. CONCLUSION**

5 For the foregoing reasons, Google respectfully requests that the Court grant Google's  
6 Administrative Motion to File Under Seal its Patent Showdown Opposition to Sonos's Motion to  
7 Strike Portions of Google's Motion for Summary Judgment.

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9 DATED: May 5, 2022

10 QUINN EMANUEL URQUHART & SULLIVAN,  
11 LLP

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1 **ATTESTATION**

2 Pursuant to the Federal Rules of Civil Procedure and Local Rule 5-1, I hereby certify that,  
3 on May 5, 2022, all counsel of record who have appeared in this case are being served with a copy  
4 of the foregoing via the Court's CM/ECF system and email.

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6 DATED: May 5, 2022

7 By: /s/ Charles K. Verhoeven  
8 Charles K. Verhoeven

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